

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NELSON R. HERRERA, an individual;  
NENE BETH T. HERRERA, an individual,

Plaintiffs,

v.

COUNTRYWIDE KB HOME LOANS, A  
COUNTRYWIDE MORTGAGE VENTURES  
LLC, a Delaware Limited Liability Corporation;  
BAC HOME LOAN SERVICING, LP, a  
Business Entity, form unknown; CITIBANK,  
N.A.; RECONTRUST COMPANY, a Business  
Entity, form unknown; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., a Delaware Corporation; and DOES 1  
through 50, inclusive,

Defendants.

Case No.: 5:11-CV-03591-LHK

ORDER SETTING BRIEFING  
SCHEDULE

On December 9, 2011, the Court ordered Plaintiffs Nelson R. Herrera and Nenebeth T. Herrera (collectively "Plaintiffs") to show cause by January 3, 2012, why this case should not be dismissed for failure to prosecute. *See* ECF No. 22. Plaintiffs timely filed a response to the Order to Show Cause on January 3, 2012, but attempted to file a 39-page opposition to Defendants' motion to dismiss. Plaintiffs' proposed opposition does not comply with Civil Local Rule 7-4(b) and will therefore be stricken. However, in light of Plaintiffs' pro se status and timely answer to the Order to Show Cause, the Court grants Plaintiffs leave to file an opposition to Defendants'

1 motion to dismiss by January 17, 2012. Plaintiffs are on notice that any opposition not fully  
2 compliant with the Civil Local Rules will be stricken. Defendants shall have until January 31,  
3 2012 to file a reply.

4 As previously noted by the Court, any reply filed by Defendant Citibank must address why  
5 Citibank's joinder in Moving Defendants' Motion to Dismiss is proper given that Citibank was not  
6 a party to the prior action giving rise to Moving Defendants' *res judicata* argument for dismissal.

7 The Order to Show Cause hearing scheduled for January 11, 2012 is hereby VACATED. A  
8 hearing on Defendants' motion to dismiss is set for April 12, 2012, at 1:30 p.m. A case  
9 management conference is hereby also set for April 12, 2012, at 1:30 p.m.

10 **IT IS SO ORDERED.**

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12 Dated: January 9, 2012

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14 LUCY H. KOH  
15 United States District Judge  
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